

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7279

BILL NUMBER: HB 1849

NOTE PREPARED: Mar 4, 2003

BILL AMENDED: Feb 25, 2003

SUBJECT: Possession of Firearm by Domestic Batterer.

FIRST AUTHOR: Rep. Lawson L

FIRST SPONSOR: Sen. Long

BILL STATUS: As Passed - House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that a person convicted of a crime of domestic violence may not possess a firearm even after the person's right to vote or right to serve on a jury has been restored.

Effective Date: July 1, 2003.

Explanation of State Expenditures:

Explanation of State Revenues: According to current law, the fee for a qualified handgun license for hunting and target practice is \$5 and for an unlimited handgun license for the protection of life and property is \$15. In CY 2001, there were 80,121 unlimited handgun permits issued and 210 qualified licenses. There are no data available to indicate how many of these licenses were issued to people who had been convicted of a domestic violence crime. To the extent that these convicted offenders who have had voting and jury service rights restored will not qualify for a handgun license, the state will forego revenues.

Additionally, the bill provides for a Class A misdemeanor for a person who has been convicted of a domestic violence crime and who knowingly or intentionally possesses a firearm. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

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